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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
LINDA KAUPERT,)
)
Complainant,)
)
vs.) No. 07-0411
)
PEOPLES GAS, LIGHT AND COKE)
COMPANY,)
)
Respondent.)
)
Complaint as to service in)
Chicago, Illinois.)

Chicago, Illinois
September 11, 2007

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

Mr. Glennon Dolan, Administrative Law Judge

APPEARANCES:

MS. LINDA KAUPERT
3273 West Armitage
Chicago, IL 60647
(847) 533-1889
appearing pro se;

1 APPEARANCES (cont.):

2 MR. MARK L. GOLDSTEIN
3 108 Wilmot Road
4 Suite 330
5 Deerfield, IL 60015
6 (847) 580-5480
7 appearing for the respondent.
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21 SULLIVAN REPORTING COMPANY, by
22 Jean M. Plomin, CSR, RPR
License No. 084-003728

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re- direct</u>	<u>Re- cross</u>	<u>By Examiner</u>
None .					

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
None .		

1 JUDGE DOLAN: By the direction and authority of
2 the Illinois Commerce Commission, I call Docket
3 No. 07-0411, Linda Kaupert versus Peoples Gas, Light
4 and Coke Company, Peoples Energy, a complaint
5 concerning service at 3273 West Armitage in
6 Chicago -- is that correct, Ms. Kaupert?

7 MS. KAUPERT: Yes.

8 JUDGE DOLAN: -- to order.

9 Would the parties please identify
10 themselves for the record.

11 MR. GOLDSTEIN: I'll start, Judge, if I may.

12 On behalf of the Peoples Gas, Light
13 and Coke Company, Mark L. Goldstein, 108 Wilmot Road,
14 Suite 330, Deerfield, Illinois, 60015. My telephone
15 number is (847) 580-5480. And I have with me today
16 John Riordan of Peoples Gas.

17 JUDGE DOLAN: You want to just give your name
18 and address for the record.

19 MS. KAUPERT: Linda Kaupert, 3273 West
20 Armitage, Chicago, 60647, (847) 533-1889.

21 JUDGE DOLAN: Let the record reflect there are
22 no other appearances.

1 All right. Ms. Kaupert, you're
2 indicating that you didn't move into this address in
3 October when you first called and talked to somebody?
4 MS. KAUPERT: No. I was there. I called. All
5 this other stuff went on. I left and stayed with my
6 nephew, came back in February, called to have service
7 on. They told me, Fine. They came and they turned
8 it on -- or they said I already had service in there.
9 I wasn't there all those months. Now I'm getting
10 bills from October.

11 I knew I couldn't pay the bill. They
12 told me I had to have a bill and not pay it in order
13 to apply for funds which is ridiculous because then
14 I'm -- to me that's fraud to them. I'm telling them
15 I can't pay it; they're going to provide service and
16 screw me anyway, just drag it on. What if I wasn't
17 approved? I could not pay that bill. So I was not
18 there. I went to stay with somebody for the winter.
19 I'm not disputing it from February on.

20 JUDGE DOLAN: Okay.

21 MS. KAUPERT: Now it is delinquent with that
22 money, and I did take it to CEDA. They weren't

1 taking applications until September 5th I believe it
2 was.

3 JUDGE DOLAN: All right. So you have an
4 application in with CEDA now?

5 MS. KAUPERT: Yes.

6 JUDGE DOLAN: Okay. For this time period
7 that's in dispute?

8 MS. KAUPERT: Well, I told them that part was
9 in dispute. I conceded February to now -- or to when
10 it was turned off in May. We haven't had service
11 since -- was it May? July? July. They turned it
12 off in May and turned it back on and turned it off
13 again in July.

14 JUDGE DOLAN: But now the residence was in your
15 name in October?

16 MS. KAUPERT: Yes.

17 JUDGE DOLAN: Okay. But you're claiming that
18 you didn't have any gas service --

19 MS. KAUPERT: I never authorized them to --
20 they did it anyway. It was a misunderstanding, but I
21 wasn't there because I knew I couldn't pay that bill.
22 And CEDA and those places were not taking

1 applications, there was nowhere to go with it, and I
2 wasn't going to rack up a \$2,000 bill that I couldn't
3 pay anyway. So why bother?

4 JUDGE DOLAN: Okay. But if the service was in
5 your name -- I mean, the residence was in your name.

6 MS. KAUPERT: Yes. But I don't ever remember
7 authorizing them to start service. I called in
8 February and told them that I was back in here and
9 I'd like service on. They said, You've had service
10 this whole time. That's how this started.

11 JUDGE DOLAN: Now, is this an apartment or --

12 MS. KAUPERT: Yes.

13 JUDGE DOLAN: Okay. Did your landlord possibly
14 tell them to turn it on? I mean, because if the
15 service isn't on, you're going to bust your pipes if
16 you keep --

17 MS. KAUPERT: I don't believe so.

18 JUDGE DOLAN: -- if you keep the heat on in the
19 middle of the winter without any service -- I mean,
20 if you turn the heat off in the middle of the winter,
21 you're going to cause more problems.

22 All right. So you're indicating that

1 this can't be worked out, Mr. Goldstein?

2 MR. GOLDSTEIN: That's correct, Judge.

3 JUDGE DOLAN: All right.

4 MR. GOLDSTEIN: I will state for the record

5 that part of our evidence will be -- there are

6 certain taped conversations between Ms. Kaupert and

7 Peoples Gas service representatives with respect to

8 the institution of gas service at her apartment. And

9 we'll make arrangements to bring those tapes in and

10 have them --

11 MS. KAUPERT: That's not necessary. I'm not

12 disputing that I called.

13 MR. GOLDSTEIN: Well, but you are disputing the

14 fact that you made a request for emergency service.

15 You are disputing that people came out from Peoples

16 Gas.

17 MS. KAUPERT: I didn't dispute the emergency

18 service call.

19 MR. GOLDSTEIN: Pardon me?

20 MS. KAUPERT: I did not dispute that I made a

21 call for emergency service.

22 MR. GOLDSTEIN: And you were present when they

1 instituted service.

2 MS. KAUPERT: Yes.

3 MR. GOLDSTEIN: Well -- and that was back in
4 October of 2006, right?

5 MS. KAUPERT: Where in that did it say that I
6 authorized opening an account?

7 MR. GOLDSTEIN: Well, you were there when they
8 instituted service to the apartment, weren't you?
9 Yes?

10 MS. KAUPERT: I don't think they put service on
11 that day.

12 MR. GOLDSTEIN: Well --

13 MS. KAUPERT: Well, if I didn't authorize
14 opening an account and I called in because we think
15 there is a gas problem or whatever -- let's just say
16 it was a misunderstanding. I called to double-check.
17 There was no service -- I believe it was on the 13th
18 or 14th. And they said there was no account. I
19 wasn't there.

20 Okay. You're telling me to sign up
21 for an account, don't pay it. Okay. I did, in
22 February. I haven't paid it. Now I owe you \$300

1 again. Now you want me to pay that to get service
2 turned back on, keep letting this roll over and hope
3 CEDA comes up with \$3,000. That's really wrong. I
4 did what you said; I let an account go delinquent.
5 It doesn't go on your credit; it goes on mine. What
6 kind of system is that?

7 JUDGE DOLAN: All right. Well, let's not get
8 into that right now because that will be part of your
9 evidentiary hearing.

10 How much time do we need to get ready
11 for hearing? October 10th? How does that look
12 for -- Ms. Kaupert, does that look okay for you?

13 MS. KAUPERT: Yes, the 10th should be okay.

14 MR. GOLDSTEIN: The 10th is fine, Judge.

15 MS. KAUPERT: Anything in the afternoon?

16 Mornings are really hard.

17 MR. GOLDSTEIN: If we're going to do --

18 MS. KAUPERT: Or later in the morning?

19 MR. GOLDSTEIN: If we're going to do it later
20 in the morning, Judge, or in the afternoon, I would
21 ask that we do it on the 11th, if that's an open day
22 for you.

1 JUDGE DOLAN: I've got bench on that day, and
2 then I've got Nelson versus ComEd.
3 MR. GOLDSTEIN: But the Nelson case is mine.
4 JUDGE DOLAN: I know it is.
5 MR. GOLDSTEIN: You want to do it at
6 1:00 o'clock?
7 JUDGE DOLAN: Yeah. We could do it on the 11th
8 at 1:00 o'clock.
9 MR. GOLDSTEIN: Is that okay?
10 MR. RIORDAN: That's fine with me.
11 JUDGE DOLAN: Okay.
12 MS. KAUPERT: Is that here?
13 JUDGE DOLAN: That's here. And if there's any
14 information that you need -- that you think you're
15 going to need, Ms. Kaupert, that you want to request
16 from the other side, you have to look at our rules.
17 I'm not authorized to tell you how to obtain the
18 information.
19 MS. KAUPERT: That's all right.
20 JUDGE DOLAN: But if you look at the rules,
21 there's ways of requesting any information that you
22 may think you need to be prepared for this hearing.

1 And it could be, you know, any information during the
2 initial sign-up, so just to let you know that.

3 MS. KAUPERT: We can't just settle this now one
4 way or the other? I'm not bringing anything new into
5 this. I don't know where this -- you know.

6 JUDGE DOLAN: Well, I didn't schedule this for
7 an evidentiary hearing today.

8 MS. KAUPERT: Oh, okay. I thought that's what
9 all this was.

10 JUDGE DOLAN: No. Today was just for an
11 initial status. A lot of times cases are worked out
12 the first time. And then if they're not, then we set
13 them down for hearing. All right.

14 MR. GOLDSTEIN: For the record, I'd like to ask
15 Ms. Kaupert to provide me, prior to the hearing by
16 mailing it to me, her CEDA application that she just
17 filed --

18 MS. KAUPERT: Sure.

19 MR. GOLDSTEIN: -- in September as well as the
20 bill that accompanied that application.

21 MS. KAUPERT: Fine. Do you have a card or
22 something?

1 MR. GOLDSTEIN: Did you get a copy of my
2 appearance?

3 MS. KAUPERT: No.

4 MR. GOLDSTEIN: You did not?

5 MS. KAUPERT: Talk to the mailman. I've got
6 about 50 complaints with them. We have letters
7 showing we're not getting our mail, so they know
8 about it.

9 MR. GOLDSTEIN: Here's my card.

10 JUDGE DOLAN: All right. With that, then we
11 will be entered and continued until October 11th at
12 1:00 p.m.

13 (Whereupon, the above-entitled
14 matter was continued to
15 October 11, 2007, at 1:00 p.m.)

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